

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GAINES PHOTOGRAPHY, LLC,

Plaintiff,

v.

BABE RUTH LEAGUE, INC, ET AL.,

Defendants.

Case No. 6:18-cv-03357-MDH

ORDER

Pursuant to the hearing held on October 19, 2020, the Court hereby **ORDERS** as follows:

It is **ORDERED** that counsel for Ballparks of Branson, LLC, forward an electronic transcript of the deposition of Hamilton Chang to the Court via mary_maerz@mow.uscourts.gov so that the Court can review the deposition for alleged delaying tactics.

It is further **ORDERED** that Babe Ruth League, Inc. produce any and all contracting and licensing agreements for photography services for baseball and softball world series for years 2014, 2015, 2016, and 2017. Contracts and licensing agreements taking place in any other year need not be produced.

It is further **ORDERED** that counsel for Babe Ruth League, Inc., provide to the Court via mary_maerz@mow.uscourts.gov an electronic transcript of the deposition of Steven Tellefson so that the Court can review the circumstances of counsel's instructions not to answer questions.

Additionally, the Court finds that:

Tom Buchanan is legal counsel for Plaintiff and his communications with Plaintiff, including before his entry of appearance, are privileged. Mr. Buchanan is thus not allowed to testify.

Mark Keegan has not properly been disclosed as an expert witness in this case and thus he will not be allowed to testify. Mr. Keegan's communications with Plaintiff are protected as communications with a consulting expert. If, however, any part of Plaintiff's damage calculation testimony is based on information supplied by Mr. Keegan or calculations performed by Mr. Keegan, such information will be subject to possible exclusion as hearsay, or testimony lacking personal knowledge and thus lacking adequate foundation.

The Offer of Judgment shall be deleted as prematurely filed and when appropriate should be re-filed under seal for which leave is granted.

IT IS SO ORDERED.

Dated: October 19, 2020

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge